

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TREMONT SECURITIES LAW,)
STATE LAW AND INSURANCE)
LITIGATION)

Master File No.: 08-cv-11117(TPG)

Hon. Thomas P. Griesa

ECF CASE/Electronically Filed

This Document Relates to:)
Insurance Action No. 09 Civ. 557)

Dated: June 8, 2009

**DEFENDANTS' NEW YORK LIFE INSURANCE
COMPANY'S AND NEW YORK LIFE INSURANCE AND
ANNUITY CORPORATION'S NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the Declaration of Jeffrey L. Williams and the exhibits attached thereto, and the Memorandum of Law submitted herewith, the Defendants New York Life Insurance Company and New York Life Insurance and Annuity Corporation, by their counsel Jorden Burt LLP, will move this Court, before the Honorable Thomas P. Griesa, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order: (a) dismissing the Complaint of F. Daniel Prickett in its entirety pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure; and (b) for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

By: /s/ Jeffrey L. Williams

Jeffrey L. Williams (admitted *pro hac vice*)

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